

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 10-CR-2734 JCH

JOHN CHARLES McCLUSKEY,

Defendant.

NOTICE OF UNAVAILABILITY

Undersigned counsel Michael Burt will be unavailable from November 1, 2012 through November 30, 2012, and from January 8, 2013 through January 31st, 2013, as he will be engaged in the preparation for and conduct of evidentiary hearings in *United States v. Wilson* (E.D.N.Y.), No. 04-cr-1016 [NGG], and *United States v. Duncan* (D. Idaho), No. CR-07-023-S-EJL.

Dated: October 16, 2012

Respectfully submitted,

/s/ Michael N. Burt

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CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2012, I filed the foregoing document electronically through the CM/ECF system, which caused all counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Michael N. Burt

Michael N. Burt